

ARTHUR J. CASEY (Bar No. 123273)
CARRIE M. DUPIC (Bar No. 240252)
ROBINSON & WOOD, INC.
227 North First Street
San Jose, CA 95113-1016
Telephone: 408/298-7120
Facsimile: 408/298-0477

Attorneys for Defendant
DHL CANADA EXPRESS, LTD. a
Canadian corporation; and LOOMIS CANADA
HOLDING COMPANY, INC. a Canadian
Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRICOR AMERICA, INC., a California
corporation

Plaintiff,

vs.

DHL CANADA EXPRESS, LTD., a
Canadian corporation; LOOMIS CANADA
HOLDING COMPANY, INC., a Canadian
corporation; and DOES 1 through 25,
inclusive,

Defendants.

Case No. C 07 4949 CRB

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISMISS UNDER
RULES 12(b)(6)**

Complaint filed: September 25, 2007

Assigned to Judge Charles R. Bryer

TO PLAINTIFF AND ITS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on _____, at _____ a.m./p.m.,
or as soon thereafter as the matter can be heard in the above-entitled Court, Defendants DHL
Canada Express, Ltd., and Loomis Canada Holding Company, Inc., both Canadian corporations,
will move this Court for dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure
to state a claim upon which relief can be granted. Plaintiff Tricor America, Inc.'s Complaint is
fatally vague for failing to set forth essential contract terms to support the contract-related claims.

///

1 The motion will be based upon this Notice, the accompanying Memorandum of Points and
2 Authorities, the pleadings and file of record in this case, as well as any evidence presented at the
3 hearing on same.

4
5 Dated: November 21, 2007

ROBINSON & WOOD, INC.

6
7 By: 

8 ARTHUR J. CASEY
9 Attorneys for Defendants,
10 DHL CANADA EXPRESS, LTD. a
11 Canadian corporation; and LOOMIS
12 CANADA HOLDING COMPANY, INC. a
13 Canadian Corporation
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28